

HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14816 of 2000

Dated 6th Day of June, 2007

Between:

G. Venkata Swami
and ten others
Petitioners

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And

The District Collector
Ranga Reddy District, Hyderabad
and four others
Respondents

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ORDER:

This writ petition is filed seeking a mandamus to declare the Notice dated 15.7.2000 issued by the 2nd respondent purporting to cancel the house-site pattas in respect of the land in S.No.153 situated in Dulapalli village, Qutubullapur Mandal, Ranga Reddy District, as arbitrary and illegal.

The petitioners assert that on 28.2.1981, the 3rd respondent- Revenue Divisional Officer issued pattas in favour of the petitioners and other villagers in respect of land in S.No.153 situated in Dulapalli Village, Qutubullapur Mandal, Ranga Reddy District for house plots as per approved layout. Later, they deposited their original Pattas and paid certain amounts in favour of A.P. State Housing Corporation Limited for construction of houses. Now, the grievance nurtured by the petitioners is that the 2nd respondent issued the impugned Notice purporting to cancel the house-site pattas.

Heard the learned counsel for both the parties.

The learned Government Pleader for Revenue has contended that it is only for the purpose of verification of the pattas, the petitioners are directed to appear before the Joint Collector, but not with an intention to cancel the pattas. I am unable to accept this contention, because, in the impugned notice it is clearly mentioned that the Joint Collector is issuing the notice only for the purpose of cancellation of house-site pattas under Section 166-B of A.P. (Telangana Area) Land

Revenue Act. From this, it is clear that the notice was issued only for the purpose of holding an enquiry to find out whether the house-site pattas granted in favour of the petitioners are liable for cancellation or not. When once it is the contention of the petitioners that the house-sites in respect of land in S.No.153 were granted to them as early as on 28.2.1981, and though the authorities have power to exercise their *suo motu* revisional jurisdiction at any point of time, it cannot be said that they can do so after a lapse of about 19 years. In fact, this aspect is no more *res integra* as this Court as well as the Apex Court, on a number of occasions held that the wording used “at any point of time” or by exercising *suo motu* revisional jurisdiction does not mean that the authorities can wake up and exercise their *suo motu* power after a period of 18 or 20 years. In fact, the Courts have also held that this kind of exercise shall be done within a reasonable time, of course the word “reasonable” is not explained and is to be interpreted following the facts and circumstances of each case. When the facts on hand are taken into consideration, the petitioners were assigned small bits of land like 60 and 70 square yards in S.No.153, they are all landless poor persons residing in small village situated in Qutubullapur Mandal and the assignment that was made on 28.2.1981 is not in dispute. Hence, this Court is of the view that the issuance of the notice directing the petitioners to appear before the Joint Collector at this length of time is without jurisdiction. Hence, this Court has no hesitation to hold that the notice is liable to be set aside.

In the result, the writ petition is allowed and the impugned Notice dated 15.7.2000 is set aside. No costs.